

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DATATERN, INC.

Plaintiff,

v.

STAPLES, INC., et al.

Defendants.

CIVIL NO. 2:10-CV-00133-(TJW)

JURY TRIAL DEMANDED

ORDER OF DISMISSAL WITH PREJUDICE

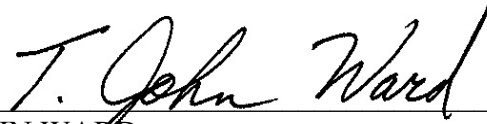
Plaintiff DataTern, Inc. and Defendants Fidelity Brokerage Services LLC, FMR LLC, FMR Corporation, and National Financial Services, LLC, filed their Agreed Motion for Dismissal with Prejudice of Fidelity Brokerage Services LLC, FMR LLC, FMR Corporation, and National Financial Services, LLC on February 7, 2011. The Court is of the opinion that the Motion should be GRANTED.

IT IS THEREFORE ORDERED that all claims in this suit asserted by Plaintiff DataTern, Inc. against Defendants Fidelity Brokerage Services LLC, FMR LLC, FMR Corporation, and National Financial Services, LLC are hereby dismissed with prejudice, subject to the terms of that certain agreement entitled "SETTLEMENT AGREEMENT" executed on January 24, 2011.

IT IS FURTHER ORDERED that all counterclaims asserted by Defendants Fidelity Brokerage Services LLC, FMR LLC, FMR Corporation, and National Financial Services, LLC against Plaintiff DataTern, Inc. are dismissed as moot, subject to the terms of that certain agreement entitled "SETTLEMENT AGREEMENT" executed on January 24, 2011.

IT IS FURTHER ORDERED that each party shall bear its own attorneys' fees and costs.

SIGNED this 10th day of February, 2011.

A handwritten signature in black ink, reading "T. John Ward". The signature is written in a cursive style with a large, stylized "T" and "W".

T. JOHN WARD
UNITED STATES DISTRICT JUDGE